



General Assembly

Substitute Bill No. 443

February Session, 2014



**AN ACT CONCERNING PESTICIDES ON SCHOOL GROUNDS,
PARKS, PLAYGROUNDS, ATHLETIC FIELDS AND MUNICIPAL
GREENS AND BANNING THE SALE AND USE OF GENETICALLY-
ENGINEERED LAWN OR TURF SEEDS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-231b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2017*):

3 (a) No person, other than a pesticide applicator with supervisory
4 certification under section 22a-54 or a pesticide applicator with
5 operational certification under section 22a-54 under the direct
6 supervision of a supervisory pesticide applicator, may apply pesticide
7 within any building or on the grounds of any school, other than a
8 regional agricultural science and technology education center. This
9 section shall not apply in the case of an emergency application of
10 pesticide to eliminate an immediate threat to human health where it is
11 impractical to obtain the services of any such applicator provided such
12 emergency application does not involve a restricted use pesticide, as
13 defined in section 22a-47.

14 (b) No person shall apply a lawn care pesticide on the grounds of
15 any public or private preschool or public or private school with
16 students in grade [eight] twelve or lower, except that [(1) on and after
17 January 1, 2006, until July 1, 2010, an application of a lawn care

18 pesticide may be made at a public or private school with students in
19 grade eight or lower on the playing fields and playgrounds of such
20 school pursuant to an integrated pest management plan, which plan
21 (A) shall be consistent with the model pest control management plan
22 developed by the Commissioner of Energy and Environmental
23 Protection pursuant to section 22a-66l, and (B) may be developed by a
24 local or regional board of education for all public schools under its
25 control, and (2)] an emergency application of a lawn care pesticide
26 may be made to eliminate a threat to human health, as determined by
27 the local health director, the Commissioner of Public Health, the
28 Commissioner of Energy and Environmental Protection or, in the case
29 of a public school, the school superintendent.

30 Sec. 2. Section 10-231d of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective January 1, 2017*):

32 (a) As used in this section, ["local or regional board of education"
33 means a local or regional board of education which has an integrated
34 pest management plan for the schools under its control that is
35 consistent with an applicable model plan provided by the
36 Commissioner of Energy and Environmental Protection under section
37 22a-66l and] "school" means a school, other than a regional agricultural
38 science and technology education center, under the control of a local or
39 regional board of education.

40 [(b) On and after July 1, 2000, at the beginning of each school year,
41 each local or regional board of education shall provide the staff of each
42 school with written guidelines on how the integrated pest
43 management plan is to be implemented and shall provide the parents
44 or guardians of each child enrolled in each school with a statement that
45 shall include a summary of the integrated pest management plan for
46 the school. Such statement shall be provided to the parents or guardian
47 of any child who transfers to a school during the school year. Such
48 statement shall (1) indicate that the staff, parents or guardians may
49 register for notice of pesticide applications at the school, and (2)
50 describe the emergency notification procedures provided for in this

51 section. Notice of any modification to the integrated pest management
52 plan shall be sent to any person who registers for notice under this
53 section.]

54 [(c)] (b) On and after July 1, 2000, parents or guardians of children in
55 any school and school staff may register for notice of pesticide
56 application at their school. Each school shall maintain a registry of
57 persons requesting such notice. Notice under this subsection shall
58 include (1) the name of the active ingredient of the pesticide being
59 applied, (2) the location of the application on the school property, (3)
60 the date of the application, and (4) the name of the school
61 administrator, or a designee, who may be contacted for further
62 information.

63 [(d)] (c) On and after July 1, 2000, a local or regional board of
64 education shall provide notice, by any means practicable, to any
65 person who has requested notice under subsection (b) of this section
66 on or before the day that [any] such application of pesticide is to take
67 place at a school. No application of pesticide may be made in any
68 building or on the grounds of any school during regular school hours
69 or during planned activities at any school except that an emergency
70 application may be made to eliminate an immediate threat to human
71 health if (1) it is necessary to make the application during such a
72 period and (2) such emergency application does not involve a
73 restricted use pesticide, as defined in section 22a-47. No child may
74 enter an area of such application until it is safe to do so according to
75 the provisions on the pesticide label.

76 [(e)] (d) A copy of the record of each pesticide application at a
77 school shall be maintained at the school for a period of five years. Such
78 record shall include the information required under section 22a-66a.

79 Sec. 3. (NEW) (*Effective October 1, 2014*) (a) As used in this section:

80 (1) "Pesticide" means a fungicide used on plants, an insecticide, a
81 herbicide or a rodenticide but does not mean a sanitizer, disinfectant,

82 antimicrobial agent or a pesticide bait in a tamper-proof container;

83 (2) "Microbial pesticide" means a pesticide that consists of a
84 microorganism as the active ingredient;

85 (3) "Biochemical pesticide" means a naturally-occurring substance
86 that controls pests by nontoxic mechanisms;

87 (4) "Lawn care pesticide" means a pesticide registered by the United
88 States Environmental Protection Agency and labeled pursuant to the
89 federal Insecticide, Fungicide and Rodenticide Act for use in lawn,
90 garden and ornamental sites or areas, except (A) a microbial pesticide
91 or biochemical pesticide that is registered with the United States
92 Environmental Protection Agency, (B) a horticultural soap or oil that is
93 registered with the United States Environmental Protection Agency
94 and does not contain any synthetic pesticide or synergist, or (C) a
95 pesticide classified by the United States Environmental Protection
96 Agency as an exempt material pursuant to 40 CFR 152.25;

97 (5) "Certified pesticide applicator" means a pesticide applicator with
98 (A) supervisory certification under section 22a-54 of the general
99 statutes, or (B) operational certification under section 22a-54 of the
100 general statutes, who operates under the direct supervision of a
101 pesticide applicator with said supervisory certification;

102 (6) "Controlling authority" means the executive head of the
103 municipal department responsible for the maintenance of a park,
104 athletic field, municipal green or playground, other than a playground
105 located on the premises of a school, or such person's designee.
106 "Controlling authority" does not include the executive head of any
107 municipal department responsible for the maintenance of any school;
108 and

109 (7) "Athletic field" means any field or open space that is used for
110 sporting or sporting-related activities, but does not include a golf
111 course or any such field or open space that is located on the premises
112 of a school or college or that is used for professional sporting or

113 professional sporting-related activities.

114 (b) No person other than a certified pesticide applicator shall apply
115 pesticide within any park, athletic field, municipal green or
116 playground, other than a playground located on the premises of a
117 school, except a person other than a certified pesticide applicator may
118 make an emergency application of pesticide to eliminate an immediate
119 threat to human health, including, but not limited to, the elimination of
120 mosquitoes, ticks and stinging insects, provided (1) the controlling
121 authority determines such emergency application of pesticide to be
122 necessary, (2) the controlling authority deems it impractical to obtain
123 the services of a certified pesticide applicator, and (3) such emergency
124 application of pesticide does not involve a restricted use pesticide, as
125 defined in section 22a-47 of the general statutes.

126 (c) No person shall apply a lawn care pesticide on the grounds of
127 any park, athletic field, municipal green or playground, other than a
128 playground located on the premises of a school, except: (1) An
129 emergency application of pesticide may be made to eliminate an
130 immediate threat to human health, including, but not limited to, the
131 elimination of mosquitoes, ticks and stinging insects, provided (A) the
132 controlling authority determines such emergency application of
133 pesticide to be necessary, and (B) such emergency application of
134 pesticide does not involve a restricted use pesticide, as defined in
135 section 22a-47 of the general statutes; or (2) an application of a lawn
136 care pesticide may be made on ornamental plants located on a
137 municipal green.

138 (d) Prior to providing for any application of pesticide on the
139 grounds of any park, athletic field, municipal green or playground,
140 other than a playground located on the premises of a school, the
141 controlling authority shall, within the existing budgetary resources
142 available to the controlling authority, provide public notice of such
143 application not later than twenty-four hours prior to such application
144 of pesticide. Such public notice shall be posted on the Internet web site
145 of the applicable municipality. If a controlling authority determines an

146 emergency application of pesticide to be necessary pursuant to
147 subsection (c) of this section, such notice shall be given as soon as
148 practicable. Notice under this subsection shall include (1) the name of
149 the active ingredient of the pesticide being applied, (2) the target pest,
150 (3) the location of the application of pesticide on the grounds of the
151 park, athletic field, municipal green or playground, other than a
152 playground located on the premises of a school, and (4) the date or
153 proposed date of the application of pesticide. A copy of each notice of
154 such application of pesticide at a park, athletic field, municipal green
155 or playground, other than a playground located on the premises of a
156 school, shall be maintained by the controlling authority for a period of
157 five years from the date of application of the pesticide and available to
158 members of the public.

159 Sec. 4. (NEW) (*Effective from passage*) (a) For purposes of this section:

160 (1) "Lawn or turf seed" means any seed, mixture or combination of
161 seed, or plant grown from such seed, that is commonly sold, marketed
162 or known as a grass seed and that is intended for residential or
163 commercial application, including, but not limited to, cool season
164 Kentucky bluegrass, red fescue, chewings fescue, hard fescue, tall
165 fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass,
166 colonial bentgrass and creeping bentgrass;

167 (2) "Genetic engineering" means the production of a lawn or turf
168 seed from an organism or organisms by a process in which the genetic
169 material has been changed through the application of: (A) In vitro
170 nucleic acid techniques, including recombinant DNA
171 (deoxyribonucleic acid) techniques and the direct injection of nucleic
172 acid into cells or organelles; or (B) fusion of cells, including protoplast
173 fusion, or hybridization techniques that overcome natural
174 physiological, reproductive or recombination barriers, where the
175 donor cells or protoplasts do not fall within the same taxonomic group,
176 in a way that does not occur by natural multiplication or natural
177 recombination;

178 (3) "In vitro nucleic acid techniques" means techniques, including,
179 but not limited to, recombinant deoxyribonucleic acid techniques, that
180 use vector systems and techniques involving the direct introduction
181 into organisms of hereditary materials prepared outside the organisms
182 such as microinjection, macroinjection, chemoporation,
183 electroporation, microencapsulation and liposome fusion; and

184 (4) "Organism" means any biological entity capable of replication,
185 reproduction or transferring genetic material.

186 (b) No person shall sell, offer for sale, distribute, market, use or
187 plant any lawn or turf seed that is entirely or partially genetically-
188 engineered for the purpose of making such seed pesticide resistant.

189 (c) The provisions of this section shall be enforced, within available
190 appropriations, by the Commissioner of Agriculture.

191 (d) (1) Any person who knowingly sells, offers for sale, distributes
192 or markets any lawn or turf seed in violation of this section shall be
193 liable for a civil penalty not to exceed one thousand dollars per day,
194 per product. Calculation of such civil penalty shall not be made or
195 multiplied by the number of individual packages of the same product
196 sold, displayed or offered for sale, distributed or marketed, used or
197 planted. Any civil penalty assessed under this subdivision shall accrue
198 and be assessed per each uniquely named, designated or marketed
199 product.

200 (2) Any person who knowingly uses or plants any lawn or turf seed
201 in violation of this section shall be fined two hundred fifty dollars.

202 (e) Any person who uses or plants any lawn or turf seed shall be
203 liable to an adjoining property owner for any economic damages that
204 are caused by such use or planting.

205 (f) The Commissioner of Agriculture may adopt regulations, in
206 accordance with the provisions of chapter 54 of the general statutes, to
207 implement and enforce the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2017</i>	10-231b
Sec. 2	<i>January 1, 2017</i>	10-231d
Sec. 3	<i>October 1, 2014</i>	New section
Sec. 4	<i>from passage</i>	New section

Statement of Legislative Commissioners:

Throughout section 3, references to "athletic field or municipal green" were moved for clarity and in section 4(d) and (e), provisions were reworded for statutory consistency.

ENV *Joint Favorable Subst.*